

to require classification, such information may be transmitted after taking the action prescribed in §17.26. Care shall be taken that the security clearance of the person to whom the classified material or information is being transmitted is correspondent to or higher than the initial classification, in accordance with the provisions of subpart G of this regulation. Additionally, the means of transmission shall be commensurate with the level of the initial classification, as prescribed in subpart G.

§17.28 Raising to a higher level of classification.

The upgrading of classified information to a higher level than previously determined, by officials with appropriate authority, shall be followed by prompt notification to all known holders of the information.

§17.29 Classification of previously unclassified information.

Unclassified information, once communicated as such, may be classified only when a classifying authority satisfies the requirements described for upgrading in §17.28 and determines that control of the information has not been lost by public dissemination or access.

§17.30 Notification.

Prompt notification of all upgrading and unscheduled downgrading actions shall be provided to all known holders of the information.

Subpart C—Declassification and Downgrading

§17.31 Policy.

Information shall be declassified or downgraded as soon as national security considerations permit. The Department shall coordinate its review of classified information with other agencies that have a direct interest in the subject matter. Information that continues to meet the classification requirements prescribed by §17.16 despite the passage of time will continue to be protected in accordance with this regulation.

§17.32 Authority.

(a) Information shall be declassified or downgraded by the official who authorized the original classification, if that official is still serving in the same position; the originator's successor; a supervisory official of either; or officials delegated such authority in writing by the Attorney General or the Assistant Attorney General for Administration.

(b) The Department Security Officer shall ensure that a current listing of officials delegated declassification authority as prescribed in paragraph (a) of this section is maintained. If possible, this listing will be unclassified.

§17.33 Declassification by the Director of the Information Security Oversight Office.

If the Director of the Information Security Oversight Office determines that Department information is classified in violation of Executive Order 12356, the Director may require the information to be declassified by the Department. Any such decision by the Director may be appealed to the National Security Council, through the Department Review Committee. The information shall remain classified until the appeal is decided.

§17.34 Systematic review for declassification.

Executive Order 12356 requires the Archivist of the United States, in accordance with established procedures, to conduct systematic reviews for declassification of classified information accessioned into the National Archives and classified Presidential papers and records under control of the Archivist.

§17.35 Systematic review responsibilities.

(a) The Attorney General shall:

(1) Issue guidelines to assist the Archivist of the United States for systematic declassification review and, if applicable, downgrading of classified information originated by the Department. These guidelines shall be developed in consultation with the Archivist and the Director of the Information Security Oversight Office;